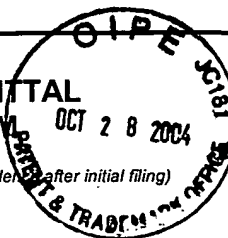


**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)



Application Number	10/612,109
Filing Date	July 1, 2003
First Named Inventor	EWERS, RICHARD C.
Art Unit	3761
Examiner Name	Unassigned
Attorney Docket Number	021496-002110US

Total Number of Pages in This Submission

**ENCLOSURES (Check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard<br>PTO/SB/08A & PTO/SB/08B<br>48 Reference Copies |
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Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Townsend and Townsend and Crew LLP	
	James M. Heslin	Reg. No. 29,541
Signature		
Date	October 22, 2004	

**CERTIFICATE OF TRANSMISSION/MAILING**

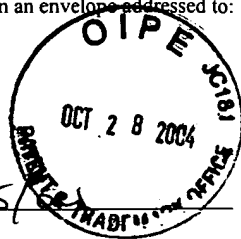
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Signature		Date	October 25, 2004

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PATENT  
Attorney Docket No.: 021496-002110US  
Client Reference No.: USGI-001C



On 10/25/04

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

Tiffany Wu

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

RICHARD C. EWERS et al.

Application No.: 10/612,109

Filed: July 1, 2003

For: SHAPE LOCKABLE APPARATUS  
AND METHOD FOR ADVANCING AN  
INSTRUMENT THROUGH  
UNSUPPORTED ANATOMY

Examiner: Unassigned

Art Unit: 3761

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

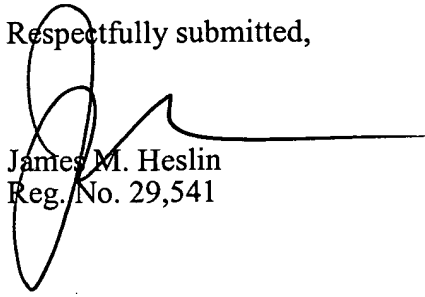
The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent documents and non patent literature references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

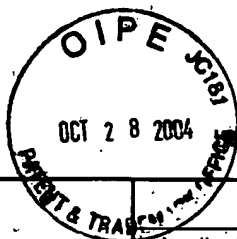
However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



James M. Heslin  
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
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JMH:tfw  
60329227 v1



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Sheet	1	of	12	Application Number	10/612,109
				Filing Date	July 1, 2003
				First Named Inventor	EWERS, RICHARD C.
				Art Unit	3761
				Examiner Name	Unassigned
				Attorney Docket Number	021496-002110US

**U.S. PATENT DOCUMENTS+**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	1	2,201,610	05-21-1940	Dawson, Jr.	
	2	2,413,142	12-24-1945	Jones et al.	
	3	3,150,379	09-29-1964	Brown	
	4	3,166,072	01-19-1965	Sullivan, Jr.	
	5	3,494,006	02-10-1970	Brumlik	
	6	3,551,987	01-05-1971	Wilkinson	
	7	3,646,615	03-07-1972	Ness	
	8	3,664,345	05-23-1972	Dabbs et al.	
	9	3,753,438	08-21-1973	Wood et al.	
	10	3,867,944	02-25-1975	Samuels	
	11	3,874,388	04-01-1975	King et al.	
	12	3,910,281	10-07-1975	Kletschka et al.	
	13	3,976,079	08-24-1976	Samuels et al.	
	14	4,007,743	02-15-1977	Blake	
	15	4,060,089	11-29-1977	Noiles	
	16	4,069,825	01-24-1978	Akiyama	
	17	4,245,624	01-20-1981	Komiya	
	18	4,367,746	01-11-1983	Derechinsky	
	19	4,414,720	11-15-1983	Crooms	
	20	4,462,402	07-31-1984	Burgio	
	21	4,494,531	01-22-1985	Gianturco	
	22	4,532,926	08-06-1985	O'Holla	
	23	4,534,350	08-13-1985	Golden et al.	
	24	4,548,202	10-22-1985	Duncan	
	25	4,586,503	05-06-1986	Kirsh et al.	
	26	4,592,339	06-03-1986	Kumak et al.	
	27	4,592,356	06-03-1986	Gutierrez	
	28	4,595,007	06-17-1986	Mericle	
	29	4,610,250	09-09-1986	Green	
	30	4,669,473	06-02-1987	Richards et al.	
	31	4,705,040	11-10-1987	Mueller et al.	
	32	4,711,002	12-08-1987	Kreeger	
	33	4,724,840	02-16-1988	McVay et al.	
	34	4,750,492	06-14-1988	Jacobs et al.	
	35	4,765,335	08-23-1988	Schmidt et al.	
	36	4,832,055	05-23-1989	Palestrant	
	37	4,841,888	06-27-1989	Mills et al.	
	38	4,873,976	10-17-1989	Schreiber	
	39	4,890,615	01-02-1990	Caspari et al.	
	40	4,923,461	05-08-1990	Caspari et al.	
	41	4,929,240	05-29-1990	Kirsh et al.	

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	10/612,109	
			Filing Date	July 1, 2003	
			First Named Inventor	EWERS, RICHARD C.	
			Art Unit	3761	
Sheet	2	of	12	Examiner Name	Unassigned
				Attorney Docket Number	021496-002110US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	42	4,957,498	09-18-1990	Caspari et al.	
	43	5,032,127	07-16-1991	Frazee et al.	
	44	5,035,692	07-30-1991	Lyon et al.	
	45	5,037,433	08-06-1991	Wilk et al.	
	46	5,041,129	08-20-1991	Hayhurst et al.	
	47	5,059,201	10-22-1991	Asnis	
	48	5,088,979	02-18-1992	Filipi et al.	
	49	5,100,418	03-31-1992	Yoon et al.	
	50	5,108,420	04-28-1992	Marks	
	51	5,122,136	06-16-1992	Gugliemi et al.	
	52	5,123,914	06-23-1992	Cope	
	53	5,201,746	04-13-1993	Shichman	
	54	5,203,864	04-20-1993	Phillips	
	55	5,217,471	06-08-1993	Burkhart	
	56	5,217,473	06-08-1993	Yoon	
	57	5,222,508	06-29-1993	Contarini	
	58	5,222,961	06-29-1993	Nakao et al.	
	59	5,222,963	06-29-1993	Brinkerhoff et al.	
	60	5,224,946	07-06-1993	Hayhurst et al.	
	61	5,234,430	08-10-1993	Huebner	
	62	5,234,445	08-10-1993	Walker et al.	
	63	5,250,053	10-05-1993	Snyder	
	64	5,254,126	10-19-1993	Filipi et al.	
	65	5,261,916	11-16-1993	Engelson	
	66	5,268,001	12-07-1993	Nicholson et al.	
	67	5,282,827	02-01-1994	Kensey et al.	
	68	5,284,488	02-08-1994	Sideris	
	69	5,304,184	04-19-1994	Hathaway et al.	
	70	5,304,195	04-19-1994	Twyford, Jr. et al.	
	71	5,304,204	04-19-1994	Bregen	
	72	5,316,543	05-31-1994	Eberbach	
	73	5,327,914	07-12-1994	Shlain	
	74	5,330,503	07-19-1994	Yoon	
	75	5,334,217	08-02-1994	Das	
	76	5,342,376	08-30-1994	Ruff	
	77	5,345,949	09-13-1994	Shlain	
	78	5,354,298	10-11-1994	Lee et al.	
	79	5,366,459	11-22-1994	Yoon	
	80	5,366,479	11-22-1994	McGarry et al.	
	81	5,372,146	12-13-1994	Branch	
	82	5,372,604	12-13-1994	Trott	

Examiner Signature	Date Considered
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			Application Number	10/612,109	
			Filing Date	July 1, 2003	
			First Named Inventor	EWERS, RICHARD C.	
			Art Unit	3761	
			Examiner Name	Unassigned	
Sheet	3	of	12	Attorney Docket Number	021496-002110US

U.S. PATENT DOCUMENTS+					
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	83	5,374,275	12-20-1994	Bradley et al.	
	84	5,380,334	01-10-1995	Torrie et al.	
	85	5,382,231	01-17-1995	Shlain	
	86	5,395,030	03-07-1995	Kuramoto et al.	
	87	5,403,326	04-04-1995	Harrison et al.	
	88	5,403,329	04-04-1995	Hinchcliffe	
	89	5,417,691	05-23-1995	Hayhurst et al.	
	90	5,417,699	05-23-1995	Klein et al.	
	91	5,425,744	06-20-1995	Fagan et al.	
	92	5,429,598	07-04-1995	Waxman et al.	
	93	5,431,666	07-11-1995	Sauer et al.	
	94	5,433,721	07-18-1995	Hooven et al.	
	95	5,433,727	07-18-1995	Sideris	
	96	5,437,680	08-01-1995	Yoon	
	97	5,437,681	08-01-1995	Meade et al.	
	98	5,445,167	08-29-1995	Yoon et al.	
	99	5,458,609	10-17-1995	Gordon et al.	
	100	5,462,560	10-31-1995	Stevens	
	101	5,462,561	10-31-1995	Voda	
	102	5,465,894	11-14-1995	Clark et al.	
	103	5,470,337	11-28-1995	Moss	
	104	5,470,338	11-28-1995	Whitfield et al.	
	105	5,476,470	12-19-1995	Fitzgibbons, Jr.	
	106	5,478,354	12-26-1995	Tovey et al.	
	107	5,480,405	01-02-1996	Yoon	
	108	5,496,332	03-05-1996	Sierra et al.	
	109	5,496,334	03-05-1996	Klundt et al.	
	110	5,499,991	03-19-1996	Garman et al.	
	111	5,501,691	03-26-1996	Goldrath	
	112	5,507,811	04-16-1996	Koike et al.	
	113	5,520,691	05-28-1996	Branch	
	114	5,520,701	05-28-1996	Lerch	
	115	5,522,843	06-04-1996	Zang	
	116	5,527,321	06-18-1996	Hinchliffe	
	117	5,527,322	06-18-1996	Klein et al.	
	118	5,527,342	06-18-1996	Pietrzak et al.	
	119	5,531,759	07-02-1996	Kensey et al.	
	120	5,531,788	07-02-1996	Dibie et al.	
	121	5,540,704	07-30-1996	Gordon et al.	
	122	5,549,621	08-27-1996	Bessler et al.	
	123	5,562,684	10-08-1996	Kammerer	

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>		
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			First Named Inventor	EWERS, RICHARD C.	
			Art Unit	3761	
			Examiner Name	Unassigned	
Sheet	4	of	12	Attorney Docket Number	021496-002110US

U.S. PATENT DOCUMENTS+					
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		Number Kind Code <sup>2</sup> (if known)			
	124	5,562,686	10-08-1996	Sauer et al.	
	125	5,562,688	10-08-1996	Riza	
	126	5,569,274	10-29-1996	Rapacki et al.	
	127	5,569,306	10-29-1996	Thal	
	128	5,571,116	11-05-1996	Bolanos et al.	
	129	5,571,119	11-05-1996	Atala	
	130	5,573,540	11-12-1996	Yoon	
	131	5,573,548	11-12-1996	Nazre et al.	
	132	5,578,045	11-26-1996	Das	
	133	5,582,616	12-10-1996	Bolduc et al.	
	134	5,584,835	12-17-1996	Greenfield	
	135	5,584,859	12-17-1996	Brotz	
	136	5,601,557	02-11-1997	Hayhurst	
	137	5,603,718	02-18-1997	Xu	
	138	5,613,974	03-25-1997	Andreas et al.	
	139	5,613,975	03-25-1997	Christy	
	140	5,626,588	05-06-1997	Sauer et al.	
	141	5,626,614	05-06-1997	Hart	
	142	5,630,540	05-20-1997	Blewett	
	143	5,632,752	05-27-1997	Buelna	
	144	5,643,274	07-01-1997	Sander et al.	
	145	5,643,295	07-01-1997	Yoon	
	146	5,643,317	07-01-1997	Pavcnik et al.	
	147	5,643,320	07-01-1997	Lower et al.	
	148	5,658,312	08-19-1997	Green et al.	
	149	5,658,313	08-19-1997	Thal	
	150	5,662,662	09-02-1997	Bishop et al.	
	151	5,662,663	09-02-1997	Shallman	
	152	5,665,109	09-09-1997	Yoon	
	153	5,665,112	09-09-1997	Thal	
	154	5,667,513	09-16-1997	Torrie et al.	
	155	5,679,005	10-21-1997	Einstein	
	156	5,683,417	11-04-1997	Cooper	
	157	5,683,419	11-04-1997	Thal	
	158	5,690,655	11-25-1997	Hart et al.	
	159	5,693,060	12-02-1997	Martin	
	160	5,700,273	12-23-1997	Buelna et al.	
	161	5,702,421	12-30-1997	Schneidt	
	162	5,707,394	01-13-1998	Miller et al.	
	163	5,709,708	01-20-1998	Thal	
	164	5,713,903	02-03-1998	Sander et al.	

Examiner Signature		Date Considered	
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			Art Unit	3761	
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Sheet	5	of	12	Attorney Docket Number	021496-002110US

U.S. PATENT DOCUMENTS+					
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		Number Kind Code <sup>2</sup> (if known)			
	165	5,720,765	02-24-1998	Thal	
	166	5,724,978	03-10-1998	Tenhoff	
	167	5,725,552	03-10-1998	Kotula et al.	
	168	5,732,707	03-31-1998	Widder et al.	
	169	5,741,297	04-21-1998	Simon	
	170	5,749,893	05-12-1998	Vidal et al.	
	171	5,752,963	05-19-1998	Allard et al.	
	172	5,766,189	06-16-1998	Matsuno	
	173	5,779,719	07-14-1998	Klein et al.	
	174	5,782,859	07-21-1998	Nicholas et al.	
	175	5,782,865	07-21-1998	Grotz	
	176	5,787,897	08-04-1998	Kieturakis	
	177	5,792,152	08-11-1998	Klein et al.	
	178	5,792,153	08-11-1998	Swain et al.	
	179	5,797,929	08-25-1998	Andreas et al.	
	180	5,797,960	08-25-1998	Stevens et al.	
	181	5,810,849	09-22-1998	Kontos	
	182	5,810,851	09-22-1998	Yoon	
	183	5,810,853	09-22-1998	Yoon	
	184	5,814,070	09-29-1998	Borzone et al.	
	185	5,817,110	10-06-1998	Kronner	
	186	5,823,956	10-20-1998	Roth et al.	
	187	5,824,011	10-20-1998	Stone et al.	
	188	5,827,298	10-27-1998	Hart et al.	
	189	5,829,447	11-03-1998	Stevens et al.	
	190	5,836,955	11-17-1998	Buelna et al.	
	191	5,840,078	11-24-1998	Yerys	
	192	5,843,084	12-01-1998	Hart et al.	
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			Application Number	10/612,109	
			Filing Date	July 1, 2003	
			First Named Inventor	EWERS, RICHARD C.	
			Art Unit	3761	
			Examiner Name	Unassigned	
Sheet	6	of	12	Attorney Docket Number	021496-002110US

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Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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			Application Number	10/612,109	
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/612,109
Filing Date	July 1, 2003
First Named Inventor	EWERS, RICHARD C.
Art Unit	3761
Examiner Name	Unassigned
Attorney Docket Number	021496-002110US

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	365	2004/0193117	09-30-2004	Laufer et al.	
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Application Number 10/612,109

Filing Date July 1, 2003

First Named Inventor EWERS, RICHARD C.

Art Unit 3761

Examiner Name Unassigned

Attorney Docket Number 021496-002110US

**U.S. PATENT DOCUMENTS+**

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		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	373	EP	0 480 428	A2	04-15-1992	Filipi et al.		<input type="checkbox"/>
	374	EP	0 847 727	A1	06-17-1998	Kammere et al.		<input type="checkbox"/>
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	377	GB	2 165 559	A	04-16-1986	Mills et al.		<input type="checkbox"/>
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	381	WO	99/22649	A2	05-14-1999	Kortenbach		<input type="checkbox"/>
	382	WO	00/40159	A1	07-13-2000	Yeung et al.		<input type="checkbox"/>
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	398	WO	02/24080	A2	03-28-2002	Schurr et al.		<input type="checkbox"/>
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	401	WO	03/007799	A2	01-30-2003	Ritchart		<input type="checkbox"/>
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			Filing Date	July 1, 2003	
			First Named Inventor	EWERS, RICHARD C.	
			Art Unit	3761	
Examiner Name	Unassigned				
Sheet	11	of	12	Attorney Docket Number	021496-002110US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	405	WO	2004/004544	A2	01-14-2004	Deem et al.		<input type="checkbox"/>
	406	WO	2004/019787	A2	03-11-2004	Devries et al.		<input type="checkbox"/>
	407	WO	2004/019788	A2	03-11-2004	Devries et al.		<input type="checkbox"/>
	408	WO	2004/021865	A2	03-18-2004	Zirps et al.		<input type="checkbox"/>
	409	WO	2004/021867	A2	03-18-2004	Zirps et al.		<input type="checkbox"/>
	410	WO	2004/021868	A2	03-18-2004	Zirps et al.		<input type="checkbox"/>
	411	WO	2004/021873	A2	03-18-2004	Aznoian et al.		<input type="checkbox"/>
	412	WO	2004/021894	A1	03-18-2004	Stone		<input type="checkbox"/>
	413	WO	2004/075787	A1	09-10-2004	Beulke et al.		<input type="checkbox"/>

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Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/612,109
				Filing Date	July 1, 2003
				First Named Inventor	EWERS, RICHARD C.
				Art Unit	3761
				Examiner Name	Unassigned
Sheet	12	of	12	Attorney Docket Number	021496-002110US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	414	ANGIOLINK, The Expanding Vascular Staple [brochure], 1 page total.	
	415	BLUETT et al., "Experimental Evaluation of Staple Lines in Gastric Surgery," <i>Arch. Surg.</i> , vol. 122, (Jul. 1987), pp. 772-776.	
	416	BROLIN et al., "Experimental Evaluation of Techniques of Gastric Partitioning for Morbid Obesity, Surgery, Gynecology & Obstetrics, vol. 153, (Dec. 1981), pp. 878-882	
	417	JOHNSTON et al. "The Magenstrasse and Mill Operation of Morbid Obesity", <i>Obesity Surgery</i> 13, (2003), pp. 10-16.	
	418	OKUDAIRA et al., "The Healing and Tensile Strength of the Gastroplasty Staple Line," <i>The American Surgeon</i> , (Oct. 1984), pp.564-568.	
	419	SURGICAL DYNAMICS INC., The S-D-sorb Meniscal Stapler [brochure] (1997), 3 pages total.	
	420	SUTURA, The Next Generation in Vascular Suturing Devices: SuperStitch [brochure], 2 pages total.	

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